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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF WASHINGTON**

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 LEONEL MICHEL VARGAS,

11 Defendant

Case No.: CR-13-6025-EFS

**Declaration of Counsel in Support of
Motion to Permit Late Filing of
Supplemental Brief**

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14 John S. Matheson, hereby declares as follows:

15 I am counsel for defendant Leonel Michel Vargas and make this declaration in
16 support of the Motion to Permit Late Filing of a Supplemental Brief on February 3, 2014.

17 The government advises it has no objection to this request.

18
19 I have a new bookkeeper in my office who is still in training. When the
20 government filed it's brief on December 20, 2013, it was printed and stacked on the
21 bookkeeper's desk, not given to me. As a result, I did not timely complete and file a
22 responsive brief as ordered.

23
24 Today, I received an e-mail from counsel for Amicus and pulled the file. I
25 discovered not only the government's brief, but my failure to timely file a reply or
26 response. I ask the court's approval for late filing of a responsive brief which I should
27 complete on February 3, 2014.

28 **DECLARATION OF COUNSEL- 1
IN SUPPORT OF MOTION TO PERMIT
LATE FILING OF SUPPLEMENTAL BRIEF**

**JOHN S. MATHESON, ESQ.
315 W. KENNEWICK AVE.
KENNEWICK, WA 99336
(509)586-3091**

1 I declare under penalty of perjury under the law of the State of Washington that
2 the foregoing is true and correct.

3 DATED this 29th day of January, 2014.
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6
7 s/John S. Matheson
8 JOHN S. MATHESON, WSBA No. 8288
9 Attorney for Defendant
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CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/EDF System which will send notification of such filing to the following: Alexander Ekstrom, Assistant United States Attorney

s/John S. Matheson
John S. Matheson, WSBA No. 8288
Attorney for Defendant